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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,301	09/30/2003	Jack A. McClure	25106	8163

28624 7590 06/17/2005

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EXAMINER

ELKINS, GARY E

ART UNIT PAPER NUMBER

3727

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/676-301

EXAMINER
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ART UNIT	PAPER
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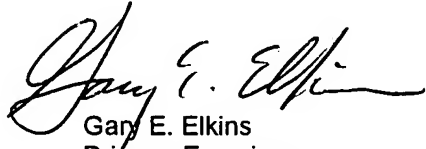
20050614

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See the attached Notice of Non-Compliant Amendment and the attached explanatory page.

  
Gary E. Elkins  
Primary Examiner  
Art Unit: 3727

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/676,301

Examiner

Gary E. Elkins

Applicant(s)

MCCLURE, JACK A.

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 1 April 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☒ 3. Amendments to the drawings:
  - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

***Explanatory Attachment to Notice of Non-Compliant Amendment***

Effective 30 July 2003, amendments filed under 37 CFR 1.121 must be filed using the following rules:

(A) When there is any amendment to a claim, a claim listing of all claims ever presented in the case must be supplied in ascending numerical order. The claim listing must include (1) the claim number of every claim ever presented in the application whether entered or not, (2) a single status identifier, in parenthesis, following each claim number, (3) the text of all pending claims (including withdrawn claims), and (4) markings (underlining, strikethrough) showing the changes made only in the current amendment relative to the immediate prior version. The claims in the claim listing of the current amendment will replace all prior versions, and listings, of claims in the application. Only seven claim status identifiers may be used: original, currently amended, canceled, withdrawn, previously presented, new, not entered. No other status identifiers will be permitted. Grouping of consecutive canceled claims, e.g. claims 1-25 (canceled) is permitted and canceled claims should not include the text of the claim.

The amendment to the claims filed 01 April 2005 is non-compliant insofar as the incorrect status identifier "Amended" was used. Also, it is noted that cancelled claims should not include the text of the claims.

(B) When there is an amendment to the drawings, the amendment must include a replacement drawing sheet showing the amended figures which include the desired changes, without markings, on a separate sheet in compliance with 37 CFR 1.84; and an explanation of the changes in the remarks. A replacement drawing sheet must be identified in the top margin as "Replacement Sheet", a new drawing sheet must be identified in the top margin as "New Sheet"

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and an annotated drawing sheet must be identified in the top margin as "Annotated Sheet".

Replacement drawing sheets with changes are accepted by the examiner, unless otherwise notified by the examiner. No further drawing submission is required.

The drawing sheets filed 01 April 2005 are non-compliant insofar as the sheets were not correctly identified in the top margin.